

Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 DHA-02 AF-10 ARA-10 EA-10 EUR-12 NEA-10

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 4910

C O N F I D E N T I A L USUN 2625

E.O. 11652: GDS

TAGS: PFOR, UN, GW

SUBJECT: AD HOC COMMITTEE ON THE TAKING OF HOSTAGES

SUMMARY: COMMITTEE CONTINUED SUBSTANTIVE DEBATE AT AM AND PM MEETINGS AUGUST 16. SEVERAL WEO'S NICARAQUA, JAPAN, MEXICO AND CHILE ADDRESSED FRG DRAFT, CONCENTRATING ON ARTICLE 5 - 7. DEMOCRATIC YEMEN, SYRIA, AND EGYPT QUESTIONED DISCUSSION OF ARTVILES OF FRG DRAFT WHILE SCOPE OF CONVENTION REMAINED UNRESOLVED. AFTER PM MEETING, US JOINED FRG, MEXICO, UK SWEDEN, TANZANIA, AND ALGERIA IN PREARRANGED CONSULTATIONS ON ISSUES OF NATIONAL LIBERATION MOVEMENTS AND THE CONCLUSION OF THE WORK OF THE COMMITTEE. END SUMMARY.

1. MOST OF COMMITTEE DEBATE AT AM AND PM MEETINGS WAS DEVOTED TO CONSIDERATION BY NICARAQUA, US, JAPAN, DENMARK, MEXICO, CHILE, NETHERLANDS, UK AND FRANCE OF SPECIFIC ARTICLES OF FRG DRAFT, PARTICULARLY ARTICLES 5 - 7.

2. MORE INTERESTING ISSUES RAISED REGARDING THESE ARTICLES FOLLOW: (A) WHETHER INCLUSION IN ARTICLE 5(1) (B) OF JURISDICTION

FOR OFFICES BY WHICH AN INTERNATIONAL ORGANIZATION OF WHICH THE STATE IS A MEMBER IS COMPELLED TO DO SOMETHING. UK

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SUPPORTED CONCEPT AS RECOGNIITION OF IMPORTANCE OF INTERNATIONAL ORGANIZATIONS. NETHERLANDS, MEXICO, UK AND JAPAN QUESTIONED CREATING UNIVERSAL JURISDICTION FOR THESE OFFENSES. (B) WHETHER THE OBLIGATION IN ARTICLE 7 TO PROSECUTE SHOULD BE CONDITIONED UPON THE REFUSAL OF OTHER STATES TO REQUEST EXTRADITION, AS SUGGESTED BY NETHERLANDS AND SUPPORTED BY FRANCE. MEXICO AND US ARGUED THAT STATE SHOULD BE OBLIGATED TO PROSECUTE

REGARDLESS OF NON-EXISTENCE OF A REQUEST FOR EXTRADITION IN ORDER TO ELIMINATE SAFE HAVENS. (C) CHILE AND MEXICO DISCUSSED SUBSTANCE OF RIGHT TO GRANT ASYLUM. US QUESTIONED NEED FOR REFERENCE TO THE RIGHT SINCE THE OBLIGATION TO PROSECUTE OR EXTRADITE WAS NOT INCONSISTENT WITH THE RIGHT AS MEXICO AND OTHERS RECOGNIZED WHEN THE BECAME PARTIES TO THE HAUGE AND MONTREAL CONVENTIONS.

3. SYRIA INTRODUCED TWO AMENDMENTS TO THE PROPOSALS OF TANZANIA CONCERNING NATIONAL LIBERATION MOVEMENTS AND TERRITORIAL INTEGRITY . KENYA AND MEXICO ANNOUNCED THEIR SUPPORT FOR THE TANZANIAN PROPOSAL REGARDING TERRITORIAL INTEGRITY. EMOCRATIC YEMEN, SYRIA, AND EGYPT QUESTIONED DISCUSSION OF ARTICLE OF FRG DRAFT BEFORE AGREEMENT REACHED ON SCOPE OF CONVENTION.

4. COMMITTEE DECIDED TO END SUBSTNATIVE DEBATE AFTER AM SESSION AUGUST 17 SO THAT SECRETARIAT CAN BEGIN PREPARE REPORT OF COMMITTEE.

5. AFTER PM SESSION, US MET WITH UK, SWEDEN, MEXICO, FRG, TANZANIA, AND ALGERIA TO DISCUSS NATIONAL LIBERATION MOVEMENTS ISSUES AND THE CONCLUSION OF THE WORK OF THE COMMITTEE. REGARDING NLM'S, FRG SAID IT DID NOT ANTICIPATE AGREEMENT COULD BE REACHED BUT WANTED TO FOCUS THE DISAGREEMENT AS MUCH AS POSSIBLE. ASKED WHY TANZANIA AND ALGERIA UNABLE TO ACCEPT EXCLUSION OF COVERAGE OF NLM'S BY PRESENT ARTICLE 10 OF FRG CONFIDENTIAL

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DRAFT WHICH PROVIDES THAT THIS CONVENTION SHALL NOT EFFECT THE GENEVA CONVENTION. TANZANIA REPLIED THAT IT HAD NOT BECOME PARTIES TO HIJACKING CONVENTIONS BECAUSE COULD BE USED AGAINST NLM'S. SAID IT COULD NOT SUPPORT A CONVENTION WHICH GAVE EVEN THE APPEARANCE OF AFFECTING NLM'S. ALGERIA AGREED THAT ISSUE COULD NOT BE RESOLVED THIS SESSION. MEXICO SAID COULD NOT DEFEND POSITION OF TANZANIA AND ALGERIA LEGALLY BUT COULD SEE WHY THEY WOULD NOT SUPPORT CONVENTION SINCE ISRAEL AND SOUTH AFRICA WILL NOT RATIFY THE GENEVA PROTOCOLS AND SINCE ISRAEL HAS RESERVATION TO GENEVA CONVENTIONS OF 1949. SAID TANZANIA AND ALGERIA COULD BE SAID TO BE ADOPTING OBLIGATIONS WITHOUT CORRESPONDING RIGHTS IF SUPPORTED LIMITATIONS ON NLM'S. FRG AGREED THAT WE SHOULD NOT TRY TO REACH AGREEMENT ON THIS ISSUE AT THIS SESSION.

6. REGARDING CONCLUSION OF WORK OF COMMITTEE, US EMPHASIZED THAT THERE WAS NO NEED TO DISCUSS WHAT WOULD BE IN BODY OF REPORT SINCE SECRETARIAT WOULD PREPARE THAT AND IT COULD BE DISCUSSED IN COMMITTEE. SAID ONLY QUESTION WAS RECOMMENDATION OF COMMITTEE. TANZANIA SAID IT FORESAW NO PROBLEM IN A CONSENSUS RECOMMENDATION TO RECONVENE THE COMMITTEE WITH THE SAME MANDATE. ALGERIA SAID IT COULD NOT COMMENT ON

QUESTION OF CONCLUSION OF WORK UNTIL IT MET WITH AFRICAN GROUP.
AFRICAN GROUP WILL MEET PM AUGUST 17 AND NEGOTIATING GROUP
WILL RECONVENE THEREAFTER.

7. FYI. US ADVISED FRG THAT IT WAS UNWISE TO DISCUSS ISSUE
OF COMMITTEE REPORT WITH OTHER SINCE SECRETARIAT WILL
PREPARE THE REPORT. SAID FRG SHOULD INSTEAD PREVAIL UPON
SECRETARIAT TO WRITE ACCURATE REPORT AND PRESENT OTHERS WITH
FAIT ACCOMPLI. SAID FRG SHOULD LIMIT DISCUSSION OF CONCLUSION
OF COMMITTEE WORK DISCUSSION OF RECOMMENDATIONS OF
COMMITTEE. FRG SAID ALGERIA IS AWARE OF TYPE OF REPORT
SECRETARIAT WILL PREPARE IF LEFT TO ITSELF AND WANTS PREVENT
THAT. FRG PREFERS CONSULT WITH ALGERIA DURING PREPARATION
OF REPORT TO AVOID CHARGES BY OTHERS THAT REPORT BEING FORCED
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ON THEM AND TO AVOID POSSIBILITY REPORT WOULD NOT
BE ACCEPTED DESPITE UK, DUTCH AND US ADVICE TO CONTRARY.
END FYI.

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Message Attributes

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Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
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Drafter: n/a
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